

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Figs. 1A-9. These sheets replace the original sheets including Figs. 1A-9. The shading in the Figures has been revised. Annotated Figures are thus not attached.

Attachment: Replacement Sheets

**REMARKS/ARGUMENTS**

Claims 1-25 and 27-33 are present in this application. By this Amendment, claims 1, 3, 11, 12, 15, 19, 28, 30 and 31 have been amended, and claim 26 has been canceled.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

An Exclusive Substitute Power of Attorney by Assignee is submitted herewith.

The drawings were objected to due to improper shading in Figs. 3-9. Corrected drawing sheets in compliance with 37 C.F.R. §1.121(d) are submitted herewith. Withdrawal of the objection is requested.

Claims 30 and 31 were rejected under 35 U.S.C. §112, second paragraph. These claims have been amended as suggested by the Examiner. Withdrawal of the rejection is requested.

Claims 1-4, 7-27, 30 and 32 were rejected under 35 U.S.C. §102(e) over U.S. Published Patent Application No. 2001/0037373 to Cambridge. This rejection is respectfully traversed.

It is an important objective of the present invention to facilitate a product purchase using a computer but without requiring access to the Internet. Although Internet use has gained widespread acceptance, a large majority of consumers remain hesitant to purchase products over the Internet due to concerns about security as well as convenience and access speed. The invention provides a method/system/software that enables a consumer to utilize their computer for catalog browsing and the like and to initiate a purchase of an item via the computer but without access to the Internet.

Claim 1 defines a method for electronically initiating a purchase of an item using a computer. At least one image of at least one item is stored on a data storage medium accessible via a local processor. When electronically selecting an item for purchase, purchase data on the

item is stored on a writable memory device in communication with the local processor. Claim 1 specifies that all purchase data not supplied by a consumer is supplied by the data storage medium such that the purchase data is compiled entirely without Internet access. See the specification at, for example, page 6, line 20 - page 7, line 16. Independent claims 12, 15 and 19 define related subject matter.

In contrast, the system and method described in the Cambridge publication require access to the Internet in order to function as intended. Cambridge describes that a website provider provides a mass storage medium to prospective users of its website. This medium “works in conjunction with the user’s network connectivity software and with the information provider’s website to quickly display high quality images and web pages.” See paragraph [0007]. Beginning at paragraph [0060], Cambridge describes a process for selecting an item from a retail catalog contained on a mass storage medium. Once an item is selected, purchase information such as pricing information, shipping information, availability information, and the like is communicated from the information provider’s server through an Internet connection. See, for example, paragraph [0011]. Moreover, with reference to Fig. 9, Cambridge describes that if the customer selects sale items, the customer’s Internet service provider software may be executed in order to establish an Internet connection. See paragraph [0076]. See also, the Abstract of the Disclosure.

It is thus clear that the Cambridge system and method requires Internet access in order to compile the purchase data, and as such, Applicants respectfully submit that the rejection is misplaced.

With regard to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Moreover, claims 8 and

14 recite that the method is completed without having accessed information related to the item not already contained by a removable data storage medium (claim 8) or the electronic storage medium (claim 14). In this context, the Office Action references paragraph [0067] in Cambridge. This paragraph in Cambridge, however, does not reference completing the method in the manner claimed. Rather, the additional items necessary to complete the method in Cambridge are obtained by executing the customer's Internet service provider software to establish a connection with the Internet. See paragraph [0068]. As a consequence, Applicants submit that these claims are also allowable over the Cambridge publication.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) over Cambridge in view of U.S. Patent No. 6,026,376 to Kenney. The Kenney patent, however, does not provide any suggestion to modify the Cambridge patent to correct those deficiencies noted above. As such, Applicants submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim.

Withdrawal of the rejection is respectfully requested.

Claims 28, 29, 31 and 33 were rejected under 35 U.S.C. §103(a) over Cambridge in view of U.S. Patent No. 5,918,213 to Bernard et al. This rejection is respectfully traversed.

Initially, with regard to claims 29, 31 and 33, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim. That is, neither Cambridge nor Bernard, taken singly or in combination, provides any suggestion to modify the Cambridge patent to correct those deficiencies noted above.

Claim 28 has been rewritten in independent form. Claim 28 defines, *inter alia*, a step of providing a reminder at processor startup via the processor that pending purchase data remain on

CALAWAY et al.  
Appl. No. 09/814,441  
March 17, 2006

the device. In this context, the Office Action contends that Bernard teaches means for providing a reminder that pending purchase data remains, referring to column 5, line 61 - column 6, line 10. This section in Bernard, however, provides a reminder only when the customer "reconnects with the automated product purchasing system." In contrast, claim 28 defines the step of providing a reminder at processor startup. Since at least this subject matter is lacking in Cambridge and Bernard, Applicants respectfully submit that the rejection is misplaced.

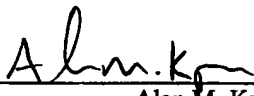
Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Alan M. Kagen  
Reg. No. 36,178

AMK:jls  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100